

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DARRELL D. FOLEY,

Plaintiff,

v.

TOM BATES, et al.,

Defendants.

No. C 06-7294 PJH

**SUA SPONTE JUDICIAL
REFERRAL FOR PURPOSE
OF DETERMINING RELATIONSHIP**

On November 27, 2006, plaintiff filed an application to proceed with the above-referenced action *in forma pauperis* ("IFP") pursuant to 20 U.S.C. § 1915. Concurrent with the filing of plaintiff's application and complaint, plaintiff also filed a Notice of Related Case, indicating that the newly-filed action may be related to an earlier-filed action brought by plaintiff, Foley v. Brady et al., C 06-3888 JSW.

Based upon the court's review, it appears that plaintiff has failed to file his Notice of Related Case in the earlier-filed action, as required by Civil Local Rule 3-12(b). Accordingly, and in order for the relationship between both cases to be properly determined, the court makes this sua sponte judicial referral, for determination by the earlier-assigned Judge as to whether the cases are related.

IT IS SO ORDERED.

Dated: December 4, 2006

PHYLLIS J. HAMILTON
United States District Judge